



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Judge Keith P. Ellison

January, 2005

THE ATTACHED MUST BE SERVED
WITH THE SUMMONS AND COMPLAINT
OR REMOVAL PAPERS

Your attention is directed to the Court Procedures and attachments, which are applicable to cases assigned to Judge Keith P. Ellison.

Plaintiff must serve these materials, and the Order for Conference And Disclosure Of Interested Parties on all defendants with the summons and complaint. A party removing a case to this Court has the same obligation as a plaintiff filing an original complaint. Proof reflecting service of these materials must be filed with the Clerk. A form of certificate for use in removed cases is attached.

In addition, parties may, at their option proceed with civil cases before a Magistrate Judge. Attached is a Consent Form for use by parties that agree to consent to proceed before Magistrate Judge Calvin Botley. Please follow the instructions in the accompanying "Notice of the Right to Try a Civil Case before a Magistrate Judge."

The accompanying procedures are to be used in conjunction with the Local Rules for the Southern District of Texas and not as a substitute for them. The Local Rules of this District can be obtained on the District website at www.txs.uscourts.gov. The Court requires strict compliance with these Local Rules.

ALL inquiries regarding criminal cases,
please contact:

Priscilla Martinez, Case Manager
to U. S. District Judge Keith P. Ellison
United States District Clerk
Post Office Box 61010
Houston, Texas 77208
Telephone: 713-250-5181
Facsimile: 713-250-5503
Email: Priscilla_martinez@txs.uscourts.gov

ALL inquiries regarding civil cases,
please contact:

Lynda Lerma, Judicial Assistant
to U. S. District Judge Keith P. Ellison
United States District Court
515 Rusk Street, Room 8631
Houston, Texas 77002
Telephone: 713-250-5806
Facsimile: 713-250-5503
Email: Lynda_lerma@txs.uscourts.gov

TABLE OF CONTENTS FOR
COURT PROCEDURES
OF
JUDGE KEITH P. ELLISON

1. Contact with Court Personnel
2. Emergencies
3. Continuances
4. Appearances
5. Motion Practice
6. Briefs
7. Initial Pretrial Conferences and Scheduling Orders
8. Required Pretrial Materials
9. Trial Settings
10. Exhibits
11. Equipment
12. Courtroom Procedures
13. Voir Dire
14. Depositions
15. Settlements and Orders of Dismissal

1. CONTACT WITH COURT PERSONNEL

- A. The Court expects that parties will file documents through the District Court's Case Management/Electronic Case Filing ("CM/ECF") System. *See* Southern District Local Rule 5.1 (as amended in September 2004) and Administrative Procedures for CM/ECF. **Case related telephone and email inquiries to civil cases should be made to Lynda Lerma, Judicial Assistant. Case related telephone and email inquiries to criminal cases should be made to Priscilla Martinez, Case Manager.**
- B. Information about the status of documents, entry of orders, or docket entries should be obtained from the CM/ECF or Pacer Systems, or if absolutely necessary, from the United States District Clerk's Offices (713) 250-5115
- C. The Court's caseload will not allow the Judicial Assistant nor the Case Manager to respond to casual telephone inquiries about motions and case status generally. Inquiries to either the Judicial Assistant or Case Manager should be by letter unless time does not permit.
- D. At the Court's direction, law clerks may contact counsel; however, they will not discuss matters other than the subject of the call.
- E.
 - 1. Case-related correspondence must be addressed to:

United States District Court
515 Rusk Ave.
8th Floor, Room 8631
Houston, Texas 77002
 - 2. Do not address substantive issues in letterform because they are not docketed or included in the appellate record.
 - 3. Copies of urgent documents (including letters) may be sent to chambers, as well as the clerk's office, with a transmittal letter that states why the court's prompt attention is required.

2. EMERGENCIES

- A. Applications for restraining orders or for other immediate relief shall be made through the Case Manager (Criminal) or Judicial Assistant (Civil). Such applications shall be presented to the Court by the Case Manager (Criminal) or Judicial Assistant (Civil) following counsel's affirmation that the opposing party has been contacted and that both parties can be available for an in-chambers conference before the Court. Ex parte applications for restraining orders will not be entertained by the Court unless the

requirements of FED. R. CIV. P. 65(b) has been satisfied.

- B. Motions for extension of deadlines or cut-off dates are not emergencies.

3. CONTINUANCES

- A. Joint motions for continuance are not binding, and they will be granted only at the Court's discretion.
- B. Bona fide vacation requests will be respected.

4. APPEARANCES

- A. An attorney who appears at a hearing or conference shall
 - (1) be familiar with the case,
 - (2) have authority to bind the client, and
 - (3) be in charge for that appearance.
- B. If out-of-town counsel desires to appear by telephone, counsel will need to call Judge Ellison's Conference Dial-in number **713-250-5040** at the scheduled time. *(Please call Lynda Lerma, Judicial Assistant at 713-250-5806 at least an hour prior to scheduled hearing so she can set up conference dial-in call at the appropriate time)*
- C. Counsel will notify the Case Manager (Criminal) or Judicial Assistant (Civil) immediately of the resolution of any matter that is set for trial or hearing.

5. MOTION PRACTICE

- A. The Court follows the written motion practice described in the Local Rules. Since most motions will be ruled on without an oral hearing, brief, clear motion papers are very important. The Court will consider the motion and response after the submission date.
- B. The submission date may be extended by agreement of counsel except when the extension violates a court-imposed deadline. Counsel should immediately notify the Case Manager (Criminal) or Judicial Assistant (Civil), in writing, of such an agreement.
- C. The Court believes that most discovery disputes, especially those dealing with (1) scheduling, (2) the number, length, and form of oral and written questions, (3) the responsiveness of answers to oral and written questions,

and (4) the mechanics of document productions, including protective orders and the proper method of raising claims of privilege, can be resolved by counsel without the intervention of the Court.

In order to curtail undue delay in the administration of justice, the Court will not hear discovery motions unless moving counsel advises the Court, in the motion, that counsel have conferred in a good faith effort to resolve the matters in dispute but are unable to reach an agreement. The statement shall recite the date, time, and place of such conferences, and the names of all parties participating therein. If counsel has been unable to confer because of the unavailability or unwillingness of opposing counsel to do so, the statement shall recite the facts concerning attempts to confer.

- D. Motions for extension of discovery must be filed far enough in advance of the deadline so that opposing counsel may respond prior to the deadline.
- E. Requests for oral argument on motions are not necessary. The Case Manager or Judicial Assistant will notify counsel should the Court determine that oral argument would be beneficial.
- F. The Court will rule on motions as soon as possible. Counsel will be furnished with copies of orders
- G. Every non-dispositive motion must contain a certificate of conference and a proposed order granting the relief sought. Failure to comply may result in the party's pleading being denied or stricken.
- H. All motions except motions pursuant to Fed. R. Civ. P. 56 must be accompanied by a separate proposed order granting or denying the relief requested.

6. BRIEFS

- A. The Court requires concise, pertinent and well organized briefs and memoranda of law. Without leave of Court any brief or memorandum shall be limited to 25 pages. Any brief or memorandum that has more than 10 pages of argument must contain the following items. All briefs and memoranda must contain items (3), (4), (6) and (7).
 - (1) A table of contents setting forth the page number of each section, including all headings designated in the body of the brief or memorandum.
 - (2) A table of citations of cases, statutes, rules, textbooks and other authorities, alphabetically arranged.

- (3) A short statement of the nature and stage of the proceeding.
 - (4) A statement of the issues to be ruled upon by the Court and with respect to each issue a short statement, supported by authority, of the standard of review.
 - (5) A short summary of the argument.
 - (6) The argument shall be divided under appropriate headings succinctly setting forth separate points.
 - (7) A short conclusion stating the precise relief sought.
- B. Any brief, memorandum or motion that cites authorities not found in the United States Code, United States Supreme Court Reporter, Federal Reporter, Federal Rules Decisions, Federal Supplement, Southwestern Reporter Second or Vernon's Revised Statutes and Codes Annotated should have appended to it copies of the relevant parts of such authorities other than cases, and complete copies of cases. Copies of any affidavits, deposition testimony, or other discovery referred to should also be contained in the appendix. All appendices should contain a paginated table of contents, and should be tabbed to locate easily the materials contained in the appendix.

7. INITIAL PRETRIAL CONFERENCES AND SCHEDULING CONFERENCE

Refer to Local Rule 16.1. Attached is a form of Docket Control Order used by the Court. The parties may agree on additional deadlines for completion of pretrial matters and bring a proposed docket control order with them to the initial pretrial conference.

8. REQUIRED PRETRIAL MATERIALS

A. Joint Pretrial Order

Counsel for the plaintiff is responsible for ensuring that the joint pretrial order is filed on time. A form Joint Pretrial Order is attached. Follow the form distributed by the Court, adapting it within reason to the size and type of case. All counsel must sign joint pretrial orders.

B. Other Required Documents

With the filing of the Pretrial order, each party also must file as separate documents IN DUPLICATE (captioned, signed by counsel, and including a certificate of service):

(1) **For Jury Trials**

- a. Proposed jury instructions, definitions, and interrogatories. Each requested instruction, definition, and interrogatory must be numbered and presented on a separate sheet of paper with the citation of authority upon which counsel rely.
- b. Memorandum of law.

(2) **For Non-Jury Trials**

- a. Proposed Findings of Fact.
- b. Proposed Conclusions of Law.
- c. Memorandum of law.

(3) **For All Trials and Hearings include the following:**

- a. Exhibit Lists
- b. Objections to Exhibits
- c. Witness Lists

9. TRIAL SETTINGS

- A. Exact trial dates will be given.
- B. Pretrial Conferences are discretionary with this Court and are not set routinely.
- C. Counsel may however request a settlement or pretrial conference by letter addressed to the Judicial Assistant with copies to all counsel. The Court prefers that such letters set forth the agreement of all counsel that a conference is necessary and the reasons therefore.

10. EXHIBITS

- A. All exhibits must be marked and exchanged among counsel prior to trial. The offering party will mark his own exhibits with the party's name, case number, and exhibit number on each exhibit to be offered.
- B. Any counsel requiring authentication of an exhibit must notify offering counsel in writing within five (5) business days after the exhibit is listed and made available to opposing counsel. Failure to do so is an admission of authenticity. *See* Local Rules 44.1 and CrLR55.2A.
- C. The Court will admit all exhibits listed in the final pretrial order into evidence unless opposing counsel files written objections supported by authority at least three (3) business days before trial. *See* Local Rules 46 and CrLR55.2B.
- D. Counsel will not pass exhibits to the jury during trial without obtaining permission in advance from the Court. All admitted exhibits will go to the jury during its deliberations.
- E. Counsel for each party is required to provide the Court with a copy of that party's exhibits in a properly tabbed and indexed notebook.
- F. Counsel should become familiar with Local Rules 79.2 and CrLR55.2C regarding disposition of exhibits following trial.

11. EQUIPMENT

- A. The following equipment can be made available if requested from the case manager at least 48 hours prior to a trial or hearing:
 - Document Camera
 - Projector and Screen
 - VCR
 - Annotation Monitors on Equipment Stand and Witness Box
 - Video and Audio inputs at counsel tables, which provide for courtroom use of personal lap top computers and personal audio equipment
 - Evidence Printer
 - Real Time transcription capability, depending on the Court Reporter.
- B. Training and familiarization sessions can be set up by contacting the Court's Judicial Assistant.

12. COURTROOM PROCEDURES

- A. Hours: The Court's hours during trial will vary depending upon the type of case and the needs of the parties, counsel, witnesses, and the Court. Court normally will not convene before 8:30 a.m. and normally will adjourn by 5:00 p.m., with a noon lunch recess.
- B. Access at Other Times: Counsel needing access to the courtroom to set up equipment or exhibits before or after normal hours of court must arrange in advance with the Case Manager to have the courtroom open.
- C. Telephones: the Judge's staff will not take Telephone messages, and counsel shall refrain from requesting use of telephones in chambers. Public telephones are available near the elevators.
- D. Filing of Documents: Pleadings submitted by counsel during the course of a trial should be presented in duplicate (original for filing and copy for the Court) to the Judicial Assistant.
- E. Decorum:
- (1) Counsel and parties will comply with Local Rules 83.8 and Civ. 57.2 regarding Courtroom Behavior. These procedures are strictly enforced.
 - (2) Counsel will ensure that all parties and witnesses refrain from drinking, eating, or smoking in the courtroom.
 - (3) ***No cellular telephone, beepers or pagers may be turned on while in the courtroom. Counsel are also responsible for insuring that their clients, witnesses and spectators comply with this order.***
- F. Witnesses:
- (1) Counsel is responsible for summoning witnesses into the courtroom and instructing them on courtroom decorum. Witnesses may be questioned while the attorney is seated at counsel table or standing at the podium.
 - (2) Counsel shall make every effort to elicit from the witnesses only information relevant to the issues in the case and to avoid cumulative testimony.
 - (3) Counsel should bear in mind the Court's hours and arrange for

witnesses accordingly. The Court will not recess to permit counsel to call a missing witness unless he or she has been subpoenaed and has failed to appear.

G. Seating:

- (1) The Court does not designate seating at counsel tables; this is determined on a first-come, first-served basis on the first day of trial.
- (2) Enter and leave the courtroom only by the front doors; do not use the Court's entrance or the side entrances.

H. While the jury is deliberating, counsel are to remain near the courtroom to be immediately available for jury notes or a verdict.

13. VOIR DIRE

The Court allows attorneys to conduct voir dire. The amount of time allowed will vary depending on the case.

14. DEPOSITIONS

- A. The Court will accept the parties' agreement to use a deposition at trial even though the witness is available; otherwise, follow Fed. R. Civ. P. 32.
- B. Before trial, counsel must provide the Case Manager with a copy of any deposition to be used at trial.
- C. Counsel will designate the portion of any deposition to be read by citing pages and lines in the joint pretrial order. Objections to those portions (citing pages and lines) with supporting authority must be filed at least three business days before trial.
- D. Use of videotape depositions is permitted if counsel edits to resolve objections.

15. SETTLEMENTS AND ORDERS OF DISMISSAL

A. Settlements

- (1) Upon the settlement of any case set for conference, hearing or trial, counsel shall immediately notify the Case Manager (Criminal) or Judicial Assistant (Civil).

- (2) An order of dismissal without prejudice to the right of any party to move for reinstatement within 90 days will be entered on all settlement announcements.
- (3) Upon settlement of a suit involving a minor plaintiff, counsel will jointly move for appointment of a guardian ad litem if there is potential conflict of interest between the parent(s) and the minor. The parties may (but are not required to) submit the names of proposed ad litems upon whom they agree. The Court will consider any names submitted, but may appoint as guardian ad litem a person whose name has not been submitted by counsel. Contemporaneously with the motion for appointment, counsel will notify the Case Manager by letter requesting a settlement conference.

B. Orders of Dismissal

Any defendant upon whom service has not been perfected within 120 days after filing of the complaint will be dismissed for want of prosecution in accordance with Fed. R. Civ. P. 4(m).

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ORDER TO DISCLOSE INTERESTED PERSONS
(Entered in Cases assigned to Judge Keith P. Ellison)

1. Each counsel for non-governmental parties shall file within thirty days after each counsel's first entry of appearance, a certificate listing all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent corporations, or other legal entities that are financially interested in the outcome of the litigation. If a large group can be specified by a general description, individual listing is not necessary. Underline the name of each corporation whose securities are publicly traded.
2. Each such certificate of counsel shall list *all* persons known to counsel to be so interested, in all sides of the case, whether represented by counsel furnishing the certificate or not. The burden is on counsel to ascertain and certify the true facts to the Court.
3. If new parties are added or if additional persons that are financially interested in the outcome of the litigation are identified at any time during the pendency of this litigation, then each counsel shall promptly file an amended certificate.
4. Counsel who file or remove an action must serve copy of this Order with the summons and complaint or with the notice of removal.

BY ORDER OF THE COURT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NOTICE OF THE RIGHT TO PROCEED IN
A CIVIL CASE BEFORE A MAGISTRATE JUDGE

With the consent of all parties, a United States Magistrate Judge may preside in a civil case, including a jury trial and entry of a final judgment.

The choice to proceed before a Magistrate Judge is entirely yours. Tell only the Clerk. Neither the District Judge nor Magistrate Judge will be told until and unless all the parties agree.

The District Judge to whom your case is assigned must approve the referral to a Magistrate Judge.

You must use the consent form attached to these procedures. The form also is available from the Clerk.

Michael N. Milby, Clerk
United States District Clerk
Southern District of Texas

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

| | | |
|--------------|---|--------------------------|
| _____ | § | |
| | § | |
| Plaintiff(s) | § | |
| | § | |
| v. | § | Civil Action No. H-_____ |
| | § | |
| _____ | § | |
| | § | |
| Defendant(s) | § | |

CONSENT TO PROCEED BEFORE
UNITED STATES MAGISTRATE JUDGE CALVIN BOTLEY
(Civil Case)

In accordance with the provisions of 28 U.S.C. § 636(c), the parties to this action waive their rights to proceed before a District Judge of the Court and consent to have United States Magistrate Judge Calvin Botley conduct all further proceedings in the case, including hearings and rulings on motions, pretrial conferences and trial, and the entry of judgment. Counsel for all parties must execute this form.

| | | |
|-------|-----|-------|
| _____ | for | _____ |
| _____ | for | _____ |
| _____ | for | _____ |
| _____ | for | _____ |

ORDER TO TRANSFER

It is ORDERED that the Clerk of Court reassign this action to **United States Magistrate Judge Calvin Botley** to conduct all further proceedings, including hearings and rulings on motions, pretrial conferences and trial, and the entry of final judgment in accordance with 28 U.S.C. § 636(c) and the consent of the parties.

Date

KEITH P. ELLISON
United States District Judge

MEMORANDUM

TO: Attorneys Practicing in the Southern District of Texas (Houston Division)
FROM: Judge Keith P. Ellison
SUBJECT: Pretrial Motion Practice – Certificates of Conference
DATE: February 28, 2005

Please be advised that the following requirements now apply to certificates of conference under Local Civil Rule 7.1 and Local Criminal Rule 12.2:

1. Parties are expected to make a good faith effort to confer about the disposition of all pretrial motions.
2. A certificate stating that the moving party has been unable to reach agreement with another party will be sufficient *only* if it specifies:
 - a. The name of the opposing counsel with whom movant's counsel has conferred or attempted to confer;
 - b. If counsel have not been able to confer, the date and time of all attempts to contact opposing counsel;
 - c. If counsel have conferred but have been unable to reach agreement, the precise nature of the disagreement.
3. The Court will not consider the conference requirement to be satisfied by an unsuccessful attempt to reach opposing counsel occurring less than two full business days before a motion is filed.¹
4. The Court expects that, in most cases, the conference requirement should eliminate the need to file motions under Rule 16 of the Federal Rules of Criminal Procedure and Rule 404(b) of the Federal Rules of Evidence. Additionally, the Court expects that the conference requirement should dramatically reduce the length of motions in limine and motions to compel discovery.²
5. If a party wishes to preserve in the record that a particular request has been made to opposing counsel, this should be done through a letter to the Court, filed with the Clerk and copied to opposing parties and counsel, rather than an unnecessary pretrial motion.
6. Counsel who repeatedly fail to return phone calls relating to the conference requirement will be asked to explain this behavior to the Court. In extreme cases, sanctions may be imposed.

¹ Accordingly, a moving party should begin efforts to confer with other parties at least two full business days before any motion deadline.

² Of course, these requirements are not intended to discourage motions when parties are genuinely unable to agree. Instead, they are simply meant to encourage parties, when possible, to resolve routine pretrial matters without the Court's involvement.

MEMORANDUM

TO: Attorneys Practicing in the Southern District of Texas (Houston Division)
FROM: Judge Keith P. Ellison
SUBJECT: Jury Instruction Procedures
DATE: April 7, 2005

Please be advised that the following procedures apply to the preparation of jury instructions in cases before Judge Ellison:

Procedures applicable in criminal jury trials:

1. Attorneys are not required to submit criminal jury instructions to the Court.
2. Prior to or at the start of trial, the Court will provide jury instructions to counsel. Counsel will then have the opportunity to object to or to propose additions to the instructions. Counsel should submit to the Court and to opposing counsel a document on a disk and in hard copy enumerating any proposed changes.

Procedures applicable in civil jury trials:

1. One set of proposed jury instructions that have been agreed to by counsel should be submitted to the Court on a disk and in a hard copy at least one business day before the first day of trial. These instructions should be in the most final form possible.

If the inclusion of any particular instruction is contingent upon events that may occur during the trial (for example, an instruction to disregard testimony that has been ordered stricken from the record), the instruction should be clearly indicated in brackets and **bold** typeface.

2. If counsel cannot agree on a particular instruction, the proponent of the contested instruction should submit, on a separate disk and in a hard copy, an additional set of proposed jury instructions with the requested addition, deletion, or revision clearly indicated in brackets and ***bold italic*** typeface.
3. To the extent that these procedures are not followed, objections to jury instructions will be considered to have been waived.

*Microsoft Word is preferred.

MEMORANDUM

TO: Attorneys Practicing in the Southern District of Texas (Houston Division)
FROM: Judge Keith P. Ellison
SUBJECT: Procedures for Informing the Court Regarding Resolved Motions and Settlement
DATE: April 7, 2005

Please be advised that the following procedures apply to all cases pending before Judge Ellison:

If the parties are able to resolve a pending motion without court intervention they should advise the Court within 48 hours that the motion has been resolved. The parties may do so by calling chambers at (713) 250-5806 and stating that all parties agree that the motion has been resolved. The Court will then deny the motion as moot.

If the parties are seriously contemplating settlement, they should advise the Court within 48 hours by calling chambers and indicating that the Court should postpone consideration of pending motions until the parties advise the Court as to whether a settlement has been reached. If the parties succeed in settling the case, they should inform the Court in writing within one week of settlement.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

| | | |
|--------------|---|--------------------------|
| _____ | § | |
| | § | |
| Plaintiff(s) | § | |
| | § | |
| v. | § | Civil Action No. H-_____ |
| | § | |
| _____ | § | |
| | § | |
| Defendant(s) | § | |

CERTIFICATE OF SERVICE IN REMOVED ACTION

I certify compliance with the Court's Procedures.

On _____, 2005, I served copies of the Order for Conference and
Court Procedures on all other parties.

Date

Attorney for _____

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

| | | |
|--------------|---|--------------------------|
| | § | |
| | § | |
| Plaintiff(s) | § | |
| | § | |
| v. | § | Civil Action No. H-_____ |
| | § | |
| | § | |
| | § | |
| Defendant(s) | § | |

**JOINT DISCOVERY/CASE MANAGEMENT PLAN
UNDER RULE 26(f)
FEDERAL RULES OF CIVIL PROCEDURE**

Please restate the instruction before furnishing the information.

1. State when the parties conferred as required by Rule 26(f), and identify the counsel who conferred.
2. List the cases related to this one that are pending in any state or federal court with the case number and court.
3. Briefly describe what this case is about.
4. Specify the allegation of federal jurisdiction.
5. Name the parties who disagree and the reasons.
6. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.
7. List anticipated interventions.
8. Describe class-action issues.
9. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.
10. Describe the proposed agreed discovery plan, including:

- A. Responses to all the matters raised in Rule 26(f).
 - B. When and to whom the plaintiff anticipates it may send interrogatories.
 - C. When and to whom the defendant anticipates it may send interrogatories.
 - D. Of whom and by when the plaintiff anticipates taking oral depositions.
 - E. Of whom and by when the defendant anticipates taking oral depositions.
 - F. When the plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B), and when the opposing party will be able to designate responsive experts and provide their reports.
 - G. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).
 - H. List expert depositions the opposing party anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).
- 11. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.
 - 12. Specify the discovery beyond initial disclosures that has been undertaken to date.
 - 13. State the date the planned discovery can reasonably be completed.
 - 14. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting.
 - 15. Describe what each party has done or agreed to do to bring about a prompt resolution.
 - 16. From the attorneys' discussion with the client, state the alternative dispute resolution techniques that are reasonably suitable, and state when such a technique may be effectively used in this case.
 - 17. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.
 - 18. State whether a jury demand has been made and if it was made on time.
 - 19. Specify the number of hours it will take to present the evidence in this case.
 - 20. List pending motions that could be ruled on at the initial pretrial and scheduling conference.
 - 21. List other motions pending.
 - 22. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the court at the conference.

23. Certify that all parties have filed Disclosure of Interested Parties as directed in the Order for Conference and Disclosure of Interested Parties, listing the date of filing for original and any amendments.
24. List the names, bar numbers, addresses and telephone numbers of all counsel.

Counsel for Plaintiff(s)

Date

Counsel for Defendant(s)

Date

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

vs.

§
§
§
§
§
§
§
§

C. A. No. H-

SCHEDULING/DOCKET CONTROL ORDER

Anticipated Length of Trial: ____ Days

Jury:____ Non-Jury:____

1. NEW PARTIES shall be joined by:
The Attorney causing the addition of new Parties will provide copies of this Order to new parties. _____
2. EXPERT WITNESSES for the PLAINTIFF will be identified by a report listing the qualifications of each expert, each opinion the expert will present, and the basis for it. DUE DATE: _____
3. EXPERT WITNESSES for the DEFENDANT will be identified by a report listing the qualifications of each expert, each opinion the expert will present, and the basis for it. DUE DATE: _____
4. DISCOVERY must be completed by:
Written discovery requests are not timely if they are filed so close to this deadline that the recipient would not be required under the Federal Rules of Civil Procedure to respond until after the deadline. _____
5. DISPOSITIVE AND NON-DISPOSITIVE MOTIONS (except motions in limine) will be filed by: _____
6. JOINT PRETRIAL ORDER and MOTIONS IN LIMINE will be filed by:
The Court will set this date. Plaintiff is responsible for Timely filing the complete Joint Pretrial Order to include Voir Dire and Jury Issues. _____

7. TRIAL will begin at 8:30 a.m.

Date

Keith P. Ellison
United States District Judge

Date

Counsel for Plaintiff(s)

Date

Counsel for Defendant(s)

| | |
|----------------------|--|
| _____, Plaintiff, | Civil/Criminal No. _____ Judge Keith P. Ellison |
| v. | Civil Case Manager: Lynda Lerma Criminal Case Manager: Priscilla Martinez |
| _____ Defendant. | Court Reporter: _____ Proceeding: _____ |

[illegible]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

vs.

§
§
§
§
§
§
§
§

C. A. No. H-

JOINT PRETRIAL ORDER

1. **Appearance of Counsel**

List the parties, their respective counsel, and the addresses and telephone numbers of counsel in separate paragraphs.

2. **Statement of the Case**

Give a brief agreed statement of the case for the information of the Court and/or which the Court may read to the jury panel to see if the panel is acquainted with the facts of or parties to the case. Include names, dates and places.

3. **Jurisdiction**

Briefly set out why the Court has full and complete jurisdiction of the subject matter and the parties. If there is an unresolved jurisdictional question, state the problem.

4. **Motions**

Identify any pending motions.

5. **Contentions of the Parties**

State concisely in separate paragraphs what each party claims.

6. **Admissions of Fact**

List all facts which have been stipulated and admitted and require no proof.

7. **Contested Issues of Fact**

List all factual issues in controversy necessary to the final disposition of this case.

8. **Agreed Applicable Propositions of Law**

Delineate those legal propositions not in dispute.

9. **Contested Issues of Law**

State briefly the issues of law in dispute. A memorandum of authorities should be filed which addresses these issues.

10. **Exhibits**

Each counsel will attach to this joint pretrial order two copies of a list (in the form shown by Attachment A or a similar form) of all exhibits to be offered and will make all such exhibits available for examination by opposing counsel. This rule does not apply to rebuttal exhibits which cannot be anticipated.

Any counsel requiring authentication of an exhibit must so notify the offering counsel in writing within five business days after the exhibit is made available to opposing counsel for examination. Failure to do so is an admission of authenticity.

The Court will admit all exhibits listed in the final pretrial order into evidence unless opposing counsel files written objections with authorities at least three business days before trial.

The offering party will mark his own exhibits prior to trial and include the party's name, case number, and exhibit number on each exhibit to be offered.

11. **Witnesses**

List the names and addresses of witnesses who will or may be called and include a brief statement of the subject matter and substance of their testimony. If a witness is to appear by deposition, cite the inclusive pages and lines to be read. Objections to those portions (citing pages and lines) with supporting authority must be filed at least three business days before trial.

Each counsel will also attach to the joint pretrial order two copies of a list of witnesses' names only for use by Court personnel.

Include in this section the following:

In the event there are any other witnesses to be called at the trial, their names, addresses and the subject matter of their testimony shall be reported to opposing counsel as soon as they are known. This restriction shall not apply to rebuttal or impeaching witnesses, the necessity of whose testimony cannot reasonably be anticipated before the time of trial.

12. **Settlement**

Include a statement that all settlement efforts have been exhausted, the current settlement demand and offer, and whether the case can reasonably be expected to settle.

13. **Trial**

Include in this paragraph the following:

- (a) Whether trial will be Jury or Non-Jury;
- (b) Probable length of trial; and
- (c) Availability of witnesses.

14. **Additional Required Attachments**

For Jury Trials include the following IN DUPLICATE:

- (a) Proposed jury instructions, definitions, and interrogatories.
Each requested instruction, definition, and interrogatory must be numbered and presented on a separate sheet of paper with the citation and authority upon which counsel rely.
- (b) Memorandum of Law.

For Non-Jury Trials include the following IN DUPLICATE:

- (a) Proposed Findings of Fact.
- (b) Proposed Conclusions of Law.
- (c) Memorandum of Law.

APPROVAL REQUESTED:

Counsel for Plaintiff(s)

Counsel for Defendant(s)

COURT DIRECTORY
U. S. DISTRICT COURT – SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

| | |
|--|--------------|
| Admission of Attorneys | 250-5041 |
| Appeals | 250-5529 |
| Bail Bonds, Disbursement | 250-5546 |
| Bill of Costs | 250-5525 |
| Civil Docket | |
| Cases ending 1-2 | 250-5521 |
| Cases ending 3-4 | 250-5712 |
| Cases ending 5-6 | 250-5734 |
| Cases ending 7-8 | 250-5574 |
| Cases ending 9-0 | 250-5523 |
| Case Managers to District Judges | |
| Nancy F. Atlas | 250-5407 |
| Keith P. Ellison | 250-5181 |
| Vanessa D. Gilmore | 250-5512 |
| Melinda Harmon | 250-5518 |
| David Hittner | 250-5511 |
| Kenneth Hoyt | 250-5515 |
| Lynn N. Hughes | 250-5516 |
| Sim Lake | 250-5514 |
| John D. Rainey | 250-5571 |
| Lee H. Rosenthal | 250-5517 |
| Ewing Werlein, Jr. | 250-5533 |
| Case Managers to U. S. Magistrate Judges | |
| Calvin Botley | 250-5536 |
| Nancy K Johnson | 250-5534 |
| Mary Milloy | 250-5158 |
| Stephen W. Smith | 250-5100 |
| Frances Stacy | 250-5565 |
| Copy Requests | 713-222-6444 |
| Court Reporters | 250-5499 |
| Criminal Cases (Open & Closed) | 250-5524 |
| Exhibit Retrieval | 250-5201 |
| File Room | 250-5543 |
| Financial Section | 250-5548 |
| Interpreters | 250-5667 |
| Jury | 250-5501 |
| Local Rules | 250-5525 |
| Monition | 250-5525 |
| Naturalization | 250-5553 |
| Prisoner Related Cases | 250-5402 |
| Service of Papers | 250-5525 |
| Statistical Information | 250-5535 |
| Summons | 250-5525 |
| Transcripts | 250-5499 |
| Warrant of Seizure | 250-5525 |
| Xerox Copies | 250-5543 |